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# **BOARD OF SELECTMEN**

## **MEETING MINUTES**

### **11/18/08**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and CAFO Kerry Speidel present. Meeting opened at 7:03 P.M. with the Pledge of Allegiance

#### **PUBLIC DISCUSSION**

Dave expressed his appreciation to Conservation Commission Chair for the "Walks in the Woods" and anticipates that they will be hosting these again next year.

Chair expressed appreciation to the CAFO for the presentation last Thursday of the financial summit. The presentation will be rebroadcast every night this week through next Monday @ 7:00 p.m. the information is also available on the website.

David Rodgers expressed appreciation to the Board of Selectmen for granting two major fundraisers. Also thanked the Boy Scouts on behalf of the town as they've raised awareness as to the needs and Lunenburg Family Lions Club was able to raise over \$1,400. In the Whalom area alone, raised \$1100 and they'll be able to provide 72 Thanksgiving baskets to families in need. Checks will be accepted by the Lunenburg Lions Club, gift certificates and food can be donated at the Public Safety Complex.

#### **ANNOUNCEMENTS**

**1. Yard Waste Days** - The Lunenburg Landfill, off of Youngs Road will be open for consecutive Saturdays October 18th and continuing to November 22<sup>nd</sup>, 8:00 a.m. to 4:00 p.m. Acceptable material: grass clippings, bark mulch, wood chips, leaves, brush (with a diameter not to exceed 3 inches, unlimited length). Shrubbery and plantings, with the same restrictions. Any container; bags, boxes, barrels, trashcans, tarps, flower pots, etc., must be removed and taken by the resident. No household garbage, trash, or rubbish of any kind will be accepted. No materials within the Landfill area; sand, stone, gravel, etc. are to be given away or sold. Access will be restricted to the disposal area. Commercial landscapers will not be allowed to dump. OPEN TO LUNENBURG RESIDENTS ONLY.

**2. Connello Consort – 18<sup>th</sup> Century Thanksgiving Concert, Sunday, Nov. 23<sup>rd</sup> @ 2:00 PM, United Parish Church, 39 Main Street to benefit the Lunenburg Historical Society** – Occasioned by the recent fire at the Lunenburg Historical Society, the Connello Consort in conjunction with the United Parish of Lunenburg Choir will offer an 18<sup>th</sup> Century Concert to benefit the Lunenburg Historical Society. Works by William Boyce, William Billings and Wolfgang Amadeus Mozart will be performed, with the featured work being George Frideric Handel's oratorio Judas Maccabaeus Part III. Familiar hymns appropriate to Thanksgiving will also be presented. The choir and orchestra are conducted by Sharon Kimball, director of the United Parish of Lunenburg Choir. Members of the Lunenburg Historical Society will collect donations at the door of the United Parish Church.

#### **APPOINTMENTS**

**1. 7:15 P.M. - Public Hearing Class II License Application, 455 Massachusetts Ave.** – Chair opened the Public Hearing as follows: The Licensing Authority will hold a public hearing on November 18, 2008 @ 7:15 PM in the Joseph F. Bilotta Meeting Room, 2<sup>nd</sup> floor, Town Hall on the application submitted by Sandra L. Moriarty, d/b/a Showroom Sammy's for a Class II License. This license is to be exercised at the premise located at 455 Massachusetts Ave., Lunenburg MA, Thomas A. Alonzo, Board of Selectmen / Licensing Authority.

Sharon was present and informed the board that she would like to take over the license at Showroom Sammy's and had worked for Mr. Wong for a while as this was a satellite location for him.

Chair stated that we will need to revoke the license held by Mr. Christopher Wong and would like to have Mr. Wong come in and sign the letter before a notary as his revocation is not validated. Would like the letter to state that as of a specific date he is returning his license permanently.

Sam Ramondelli (property owner) came before the board and informed the board that Sharon did go before the ZBA and they approved the permit.

Board gave applicant the opportunity to either get a notarized letter from Mr. Wong relinquishing his license or wait until current license expires and will approve a new one in her name as of January 1, 2009.

Applicant willing to wait until the end of the year as this will be approved with all the renewals at the end of the year.

**2. 7:20 P.M. – Public Hearing Classification, Real Estate and Personal Property FY'09** – Chair opened the Public Hearing as follows: The Board of Selectmen for the Town of Lunenburg will hold a Public Hearing as required by M.G.L. Chapter 40, §6, on the issue of allocating the local property tax levy among the four classes of real and personal property for FY'09. This hearing will be held on November 18, 2008 @ 7:20 PM in the Joseph F. Bilotta Conference Room, 2<sup>nd</sup> floor, Town Hall, 17 Main Street, Lunenburg, MA. Thomas A. Alonzo, Chairman, Board of Selectmen.

Present was Regional Assessor Harald Scheid and Ernie Sund, Assessor. Harald informed the board that they will need to vote on the adoption of a unified tax rate or a split tax rate. The Board of Assessor's recommends levying a single class rate over all classes of property as the commercial tax base is so small in town. Presenting this earlier than normal in the tax rate setting procedure and can't present board with a precise and approved tax rate, estimates that it will probably be about \$13.05. Pointed out that there are value changes, which are decreasing reflective of market conditions averaging a 3.2% average residential tax increase from 2008 to 2009, approximately 88% of taxable property is in the residential sector. Commercial / Industrial properties have remained basically at the same level. Assessors have been conducting annual revaluations as required by law; FY'09 is a formal recertification year for Lunenburg and anticipates receiving final certification within the next couple of days. Prop 2½ does not apply to an individual's tax burden each year but to the whole assessed value to the town. Tax rate is not a reflection on tax bill as it works in conjunction with the value of the property. Motion made by Steve to accept the single uniform tax rate for FY'2009, Tom M. seconded, voted unanimously.

**3. 7:30 P.M. – Continuation 58 Laurel Lane, Dog Complaint** - CAFO reviewed the prior public hearing that was held on May 20, 2008 Following testimony a determination was made "That the dogs constitute a nuisance to the community, and the dogs constitute a nuisance because: (a) they bark excessively; and (b) that the dogs, as a result of such barking or other disturbances, cause annoyance to a sick person within the jurisdiction of the responsible board or official." The Dog Officer was charged with reviewing this matter and reported back that everything seemed to be fine at that point. Subsequent a number of complaints had been received and additionally we received a petition from the owners and another individual in the area, who do not feel that there has been a problem as such, this matter is brought back before the Board of Selectmen.

Kathy Comeau informed the board there were two separate complaints received since she had gone to the Richards to speak with them and was told that everything seemed to be fine. There was a party at the Richards and the dogs were outside barking at the neighbors. She went over on August 30<sup>th</sup> the day of the party (Croteau's) and there was nobody home, tried the door which was opened and put the dog in the house. The following time she called but it was after the incident and wrote in my report that she had gone over a previous time, Mrs. Richard had called because it had happened again.

Mrs. Richard acknowledged that since the letter went out on October 21<sup>st</sup> the dogs have been extremely quiet, informed the board that Kathy had spoken with her mother-law, beginning in August they began leaving their dogs out again, not as last year but was still creating a nuisance to us. It's a very narrow street and the Richards are directly across and the dogs bark at the roadway, can even hear them over the TV. This comes down to common courtesy and having respect for their neighbors. They've proved that they can do it and don't understand what the problem was in August. Largest concern is for father in law; this creates a nuisance as he cannot tolerate the barking as he has severe alzheimers and asking for the board to enforce the laws and stop this nuisance. The date was actually August 23<sup>rd</sup> and the barking subsided when Kathy put the dog in the house which had been barking from 2:00 to 3:30. On the 15<sup>th</sup> called the Board of Selectmen and spoke with Linda and was told that someone would follow up which no one did. On Monday October 20<sup>th</sup> it occurred again, and called Kathy on the 21<sup>st</sup>. The dogs were out again on the 21<sup>st</sup> barking constantly and asked Sara to put her dogs in, when the notice came out on the 21<sup>st</sup> the dogs have been kept quiet since then. Presented attached sequence of events.

Situation had improved from the day of the board determination until August and got worse until the letter was sent from the town on October 21<sup>st</sup>. Longest period that the dogs had been left out for has been between 3½ to 4 hours and it's usually both of them, asking for respect and courtesy.

Sara Howard and Greg Croteau came before the board and discussed the attached petition from the neighborhood and a separate letter from Fred Angel. Main issue they have is that the completely disagree that the dogs are barking all the time and are left out, which is written in the latest petition. Just the Richards have issues with the dogs. On August 23<sup>rd</sup> was home all day and left for 30 minutes, had no idea that anything had occurred until Sara informed him that the dog officer called her cell phone. The report is not true, both dogs were out when he left and it's not accurate what you're hearing about the dogs barking. This is in the petition that was signed. The problem is the people across the street have absolutely no tolerance for these dogs and we ask that this complaint be dropped as the neighbors don't have an issue with the dogs. The reason why the neighbors signed the first petition was because they felt sorry for the Richards and they all regret signing as is noted in the second petition.

Sara stated that this all comes down to our dogs bother the Richards. With regards to the incident that occurred she had to leave quickly and came right back and they were still in their dog house. They are not left out at night and the family is around on the weekends, only walk them when they're out with them and they are in the house when they're home. They are not leaving them out for all hours at a time.

Tom M., reiterated the order that the board issued that the dogs be kept in doors at all times when the owners are not home. We're in a hypersensitive situation and you have a neighbor with a sick person and can understand both points of view, the order is that the dogs be kept in at all times when not at home, you are to follow the order of the board.

Sara stated that we're doing our very best and as much as we do our best they could be more tolerant, the dogs were left out and was an error on her part.

Chair there is a remedy when you're home, two findings in the initial order and is involving a sick person and you're asking someone who's suffering an infliction and they may not be able to be more tolerant. Recognize the sensitivity of the neighbors across the street, no other neighbors have a case of alzhiemers that these barking dogs are bothering. The issuing of the order is clear, when you're not home the dogs should be inside. Within the letter of the ruling that is a violation, not helpful to see neighbors come in.

Sara informed the board that they have not received one call from the Richard's.

Greg would like to know how to get the original ruling overturned and this is being used as a crutch and this is bothersome, feel we're being singled out.

Linda Jelenewski, 56 Laurel Lane, the last 12 years that she has lived there, there has been no problem, have not heard these dogs bark since the original incident since the break in. but she has heard Monica yell out her window to Greg to keep the dogs quiet and is utterly ridiculous situation and believes that this is personal. The house faces directly towards me and the in-laws are in the back. Both Sara and Greg have done everything possible, it's pitting neighbor against neighbor. Since the Richards moved into the neighborhood, people are walking on eggshells, there's a problem here.

Tom M. the initial action is clear and both parties were here in May and the issue is a sick person being annoyed by the dogs and we have one confirmed incident from the dog officer. Want to see the ruling enforced by all parties.

Board concurred and will be jurisdiction on the Dog Officer to enforce the order.

Sara questioned if there's a way to rescind the order, we've been doing our best and there are extenuating circumstances.

Per CAFO that order is in place as long as the dog's are on the property.

Paula would like to see that the dog owners are more cognizant of the order and the neighborhood condition.

Kerry will inform Greg as to whether there is a process to change the order.

Monica Richards didn't know that we were to call them, never had this conversation and the only way to prove in the future whether the dogs are left out and will have to invest in a video camera and don't think that they should have to give up their dogs, just reiterating that they have to be kept inside when they are not home.

## **CURRENT BUSINESS**

### **1. CAFO Updates –**

- Has received an electronic copy on the Lake Shirely Dam the and will copy for the board's information.
- DEP notification, technical review has been completed and have issued a permit for the Landfill closure and remediation work that was done. Need to check on monitoring schedule and awaiting confirmation on whether we can reduce to once a year instead of two.  
Landfill is checked visually at least several times a week to prevent vandalism.
- Letter received from Mass Housing regarding Tri-Town Housing, approving loan commitment of \$ and awarded a priority fund commitment
- Notice from engineer that Phase I substantial completion at the Meadow Woods project has been achieved today and the project is on schedule. Had a meeting with the residents on November 8<sup>th</sup> approximately 30 – 40 residents in attendance and engineer provided overview. Main issue addressed was the emergency access/egress for portions of the day during construction within the trailer park. Decided to station a smaller fire truck on far side of trailer park and have a minimum crew of two (fire) personnel that could provide first responder services. Funds for this detail will come out of the project.
- Notice of Intent to remove land from 61B, would like to set a public hearing as is required by State Law.

**2. Minutes -** Board of Selectmen regular and executive sessions for 11/4/08 and 8/7/07 and regular sessions for 11/13/08 and 10/21/08 reviewed and signed.

**Warrants -** #25 09, 11/18/08 - \$23,042.76, and #26 09, 11/19/2008 - \$454,336.61 reviewed and signed.

**3. Action File Issues –** Request from Mr. & Mrs. Jim Cote for a representative to attend their son's Eagle Scout Court of Honor to the Eagle Scout Award for Brian Cote, Paula moved to sign the proclamation, voted unanimously, she will attend the ceremony.

- Notice of intent to remove 90 West Townsend Road from Chapter 61B reveiwed by the board. In accordance with the process we have 120 days to exercise the town's first option and this property is adjacent to the DPW, board would like to have some time to investigate. Schedule for first meeting in January and will forward documents to counsel this week to ensure that it is a complete. If necessary to have a special town meeting would look at the end of January. The Board of Selectmen can affirm our right to purchase contingent upon town meeting approval.

## **OLD BUSINESS**

### **1. Committee Updates –**

- Tom M., PACC Committee met and concern is getting Channel 9 up and running the feeling is that an unofficial video club at the high school to get some ideas about what the schools could put on once it's up and running. Have a holiday slide show from a resident that we could put on Channel 8, but concern is that Channel 8 has been delegated as a government channel, also discussing replaying the video taped meetings and getting more meetings telecast.
- Dave School Committee has begun the budget process and Chris Londa has won the Superintendent's Award, sports, academics, he's incredible. School (non) Regionalization Committee is scheduled to meet again on December 10<sup>th</sup> will be

looking at the status of the buildings. Capital Planning received all the form B's from the department heads and just beginning the process.

- Paula, Planning Board has begun work on the Master Plan additionally the Open Space Plan will be submitted to the state in order to be eligible for grants and programs. A number of complaints have been received with regards to the CVS development and the CPI is now at 74%.

Sewer Commission is working on a draft of Wastewater District bylaw may need to seek special legislation on this.

- Steve the Tri-town development the issue is with capacity and the Sewer Commission has been informed that the developer is working through the City of Fitchburg. There are a couple of issues, one is the issue of the privilege fee and as to whether they are appropriate and based upon counsel's interpretation we are able to assess. Reviewed the sequence of events on the Mass Ave. developer (existing proponent's agreement) and the allocation that was granted per the agreement. Two different lines going into Fitchburg, Mass Ave and Summer Street. The commission agreed that if the developers request to Fitchburg did not impose any additional restrictions to the flows that Lunenburg currently has under the IMA @ 80,000 GPD then the Commission would not be opposed.

**2. RFP Primary School** – CAFO would like to schedule a meeting to review the proposal, work session. Has been a lot of interest from the public and would recommend televised at a Tuesday meeting. Chair would like the first meeting to be a workshop. Workshop scheduled for Thursday, December 4<sup>th</sup> @ 6:00 PM.

## **APPOINTMENTS/REAPPOINTMENTS**

**1. Resignation, Jennifer Benson – School Committee** – Letter of resignation accepted from Jennifer Benson effective November 20, 2008. Pursuant to Charter the Board of Selectmen with the remaining members of the School Committee will jointly meet. Scheduled for next Tuesday with a joint meeting of the board and the School Committee @ 7:30 PM. We have to publish and make public the vacancy, to be posted in the Town Hall and have been posted in the Lunenburg Ledger. Letters of interest to be submitted by November 21<sup>st</sup> to the Lunenburg School Committee. Board expressed their appreciation to Jennifer for all her years of service to the town.

## **EXECUTIVE SESSION**

Being no further business board voted unanimously to adjourn Regular Session at 9:06 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant  
Board of Selectmen